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### REMARKS

#### Status of the Claims

Claims 1-108 are now pending. The comments in the Nonfinal Office Action are addressed below in the order set forth therein.

#### The Rejections of the Claims Under 35 U.S.C. § 103 Should Be Withdrawn

Claims 1-108 stand rejected under 35 U.S.C. § 103 over Robinson *et al.* in view of the Slezak *et al.*, in further view of U.S. Patent No. 6,594,588 to Peden *et al.* (Peden). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness (1) there must be some suggestion in the reference or knowledge generally available to one of ordinary skill in the art to modify the reference or combine the references; (2) there must be a reasonable expectation of success; and (3) the prior art reference(s) must teach or suggest all the claim limitations. MPEP § 2143. See *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)(teaching or suggestion to make and reasonable expectation of success must be found in prior art). The Office Action does not demonstrate that each of these elements is satisfied for the reasons stated in the following paragraphs.

The Office Action concedes that Rudolph *et al.* do not teach or suggest the display of a matrix of cells or accepting user input of data into at least one of the cells. Thus, Rudolph *et al.* fails to teach or suggest the claimed subject matter of independent claims 1, 37, and 73 and dependent claims 2-20, 38-56, and 73-92. Furthermore, Rudolph *et al.* fails to teach or suggest a plurality of rules based on past values of characteristics of samples, applying the rules to the past values to identify target samples to be data collected and to identify at least one target characteristic to be data collected for the identified samples, or generating user instructions to collect data. For these reasons, Rudolph *et al.* fails to teach or suggest claimed subject matter of independent claims 21, 57, and 93 and dependent claims 22-36, 58-72, and 94-108.

The secondary references cited in the Office Action fail to correct the deficiencies of Cole *et al.* For instance, the Office Action asserts that Slezak *et al.* teaches the display of a matrix with inputted values in Table III. However, Table III of Slezak *et al.* is the *output* of the program of Slezak *et al.* It has no relevance to a matrix of cells that accept user input into at least one of the cells. Indeed, although Slezak *et al.* mentions that user input is allowable where the automatic well reader fails (see page 87, second column), no information is given regarding the format of the display the user is presented for entering data. The reference is silent as to the form of the

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input display. Thus, Rudolph *et al.* fails to cure the deficiencies of Rudolph *et al.* with respect to independent claims 1, 37, and 73 and dependent claims 2-20, 38-56, and 73-92.

Slezak *et al.* is also silent with respect to rules based on past values of characteristics of samples, applying the rules to the past values to identify target samples to be data collected and to identify at least one target characteristic to be data collected for the identified samples, or generating user instructions to collect data. Accordingly, Slezak *et al.* also fails to cure the deficiencies of Rudolph *et al.* with respect to independent claims 21, 57, and 93 and dependent claims 22-36, 58-72, and 94-108.

Peden merely provides a database and programs for recording laboratory data utilizing object oriented programming. It fails to cure the deficiencies Rudolph *et al.* and Slezak *et al.*

Furthermore, motivation to combine or modify the references has not been established. The art worker would have no reason to combine the plate reader application of Rudolph *et al.* with the dissimilar ELISA data collection system of Slezak *et al.* Indeed, it has not been shown that the plate reader of Rudolph *et al.* would even be compatible with the programs of Slezak *et al.* Similarly, no motivation to combine the object oriented database of Peden *et al.* with either of the assay systems of Rudolph *et al.* or Slezak *et al.*

For all these reasons, the references cited in the Office Action, whether taken alone or in combination, fail to obviate the presently claimed subject matter. Accordingly, the rejection of claims 1-108 under Section 103 should be withdrawn.

### CONCLUSION

In view of the aforementioned amendments and remarks, Applicants respectfully submit that the rejections of the claims under 35 U.S. C. § 103 are overcome. The Examiner. Further, Applicant submits that this application is now in condition for allowance. Early notice to this effect is solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

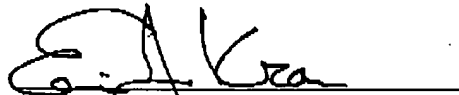
Applicants herewith petition the Director of the United States Patent and Trademark Office to extend the time for reply to the Office Action dated October 6, 2004 for two months from January 6, 2005 to March 7, 2005 (USPTO closed 3/6/2005). Please Charge my deposit Deposit Account No. 50-0885 in the amount of \$450.00 to cover the cost of the extension.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper.

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However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned for under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 50-0885.

Respectfully submitted,



Eric J. Kron  
Registration Number 45,941  
Attorney/Agent for Applicants  
Icoria, Inc.  
108 T.W. Alexander Drive  
Post Office Box 14528  
Research Triangle Park, NC 27709  
(phone) 919.425.3000  
(fax) 919.485.0812  
Customer Number 22881

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

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